REVISED STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Chapters Med 1 and 14

Relating to: General update and cleanup of rules

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

None.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to modernize and cleanup the administrative rules in Chapters Med 1 and Med 14 relating to licenses to practice medicine and surgery and biennial registration. The proposed rules will better align with statute, reflect current practices, and provide a clearer regulatory landscape for applicants.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current administrative rules contain provisions relating to the Department-administered statutes and rules examination. As the Board no longer requires an applicant for licensure to practice medicine and surgery to take the statutes and rules examination, the proposed rule would remove all references to it.

2015 Wisconsin Act 269 removed a requirement that examinations for licensure to practice medicine and surgery be limited to those administered by national organizations. As a result, the Board is conducting an oral examination in lieu of the oral interview referenced in current administrative rules. The proposed rule would replace references to the oral interview with the oral examination, specify how the oral examination is administered, and list the criteria the Board may use to determine if an applicant is required to take the oral examination.

Current administrative code does not address the "COMLEX-USA" Comprehensive Osteopathic Medical Licensing Examination. The proposed rule would add the COMLEX exam under the definitions section of Med 1 and detail the Board requirements and procedures for the COMLEX examination.

The proposed rule would update the list of board recognized accrediting agencies to include prominent accrediting agencies that are not listed in the current code.

The proposed rule would also more explicitly refer to section 448.05 (2) (c) of the Wisconsin Statutes as the Board's authority to grant waivers from the required 24 months of postgraduate training in programs accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for applicants who demonstrate substantially equivalent education and training as provided in section Med 1.02 (3) (c).

Current administrative code contains provisions in which the Board administers and determines eligibility for the USMLE Step 3 which do not reflect current practices. In addition, the USMLE Step 2 is administered in 2 parts, which is not reflected in current administrative code. The proposed rule would modify or repeal these sections to reflect current practices.

The renewal date in Chapter Med 14 for doctor of osteopathy does not match the renewal date in statute. The proposed rule would align the renewal date in administrative code with the statute. Additionally, the biennial registration requirements in Chapter Med 14 have not been updated for at least 10 years. The proposed rule would update Chapter Med 14 to reflect common, contemporary renewal requirements in the field.

Throughout Med 1 and Med 14, many provisions do not specify the type of exam to which the provision applies. The proposed rule would clarify references to all exams.

The proposed rule package may also include other non-substantive rule changes.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 448.40 (1), Stats. "The board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery."

Section 448.05 (2) (c), Stats. "The board may promulgate rules specifying circumstances in which the board, in cases of hardship or in cases in which the applicant possesses a medical license issued by another jurisdiction, may grant a waiver from any requirement under par. (a) or (b). The board may grant such a waiver only in accordance with those rules."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 80 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

The proposed rule will impact initial and renewal applicants for licensure to practice medicine and surgery.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal to no economic impact on small businesses.

Contact Person: Dale Kleven, Dale2.Kleven@wisconsin.gov, (608) 261-4472

Approved for publication:

Authorized Signature

5/18/2016

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted